

Committee Minutes

City of Edinburgh Planning Local Review Body

Edinburgh, 16 March 2011

Present: (Items 2 – 6) Councillors Burgess (Convener) Hinds, Paisley, and Peacock.

Present: (Item 7 Continued Case) Thomas (In the Chair), Paisley and Peacock.

Present: (Item 8 – 11 Continued Cases) Hinds (Convener), Paisley and Thomas.

1 Appointment of Convener

Councillor Burgess was appointed as Convener for items 2-6.

2 Planning Local Review Body Procedure

Decision

To note the outline procedures for consideration of reviews.

New Cases

3 Request For Review – 6 Leadervale Road, Edinburgh

Details were provided of a request for review of refusal of planning permission to form new roof extension, new kitchen/utility room extension, form new parking space to front of house at 6 Leadervale Road, Edinburgh (Application number 10/03535/FUL).

The plans used to determine the application were reference numbers 01-04 and 09-14 (Scheme 2) being the drawings shown under this application reference number on the Council's Planning & Building Standards Portal.

The applicant had requested that the review be undertaken on the basis of assessment of the review documents and a site inspection.

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The Planning Local Review Body had been provided with copies of the notice of review including the request for a site inspection. The Planning Local Review Body had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning.

The Planning Local Review Body heard from the Planning Adviser who summarised the issues raised previously, presented the drawings submitted, along with photographs of the site.

The Planning Local Review Body having considered these documents agreed that it had sufficient information before it and did not require to undertake a site inspection and would therefore determine the review using only the information circulated to it.

The Planning Local Review Body in their further deliberations on this matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non statutory guidelines in respect of House Extensions and Alterations and Daylighting, Privacy and Sunlight.
- 3) The impact of the development on the surrounding buildings.
- 4) The procedure used to determine the application.
- 5) The reason for refusal.

The Planning Local Review Body, having taken all the above matters into consideration, was of the opinion that no information had been presented in all the review documents which would lead it to alter the original determination. The Planning Local Review Body therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals. The Local Review Body further resolved to indicate that the principle of the balcony had been accepted and that if a modified scheme were to be submitted that demonstrated that overlooking would not be increased this may be more acceptable.

Decision

To uphold the decision by the Head of Planning to refuse planning permission to form new roof extension, new kitchen/utility room extension, form new parking space to front of house at 6 Leadervale Road, Edinburgh (Application number 10/03535/FUL).

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Reason for Refusal

The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, and to Non Statutory Guidelines in respect of Daylighting, Privacy and Sunlight, as the first floor balcony area, located in close proximity to both adjoining residential properties, with insufficient means of screening would result in an increased level of overlooking of both rear garden areas to the detriment of the levels of residential amenity presently enjoyed by the occupants of both those properties.

(References – Notice of Review; Decision Notice and the Report of Handling, submitted.)

Dissent

Councillors Hinds and Paisley requested that their dissent be recorded in relation to the above decision.

4 Request For Review – 21 McDonald Place, Edinburgh

Details were provided of a request for review of refusal of planning permission for Change of use from light industrial/storage and distribution unit to motorcycle sales and service (Application number 10/02918/FUL).

The plans used to determine the application was reference numbers 01, 02 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review be undertaken on the basis of assessment of the review documents and a site inspection.

The Planning Local Review Body had been provided with copies of the notice of review including the request for a site inspection. The Planning Local Review Body had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning.

The Planning Local Review Body heard from the Planning Adviser who summarised the issues raised previously, presented the drawings submitted, along with photographs of the site

The Planning Local Review Body having considered these documents agreed that it had sufficient information before it and that it did not require to undertake a site inspection, and would therefore determine the review using only the information circulated to it.

The Planning Local Review Body in their further deliberations on the matter considered the following points:-

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- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The procedure used to determine the application.
- 3) The further representations received in respect of the Notice of Review.
- 4) The reasons for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that no information had been presented which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals.

Decision

To uphold the decision by the Head of Planning to refuse planning permission for Change of use from light industrial/storage and distribution unit to motorcycle sales and service at 21 McDonald Place (Application number 10/02918/FUL).

Reason for Refusal

The proposal was contrary to Hou 8 of the Edinburgh City Local Plan as it is considered that a Sui Generis unit, for the sale and service of motorcycles, would lead to an unacceptable increase in noise, disturbance and on-street activity that would prejudice local residential amenity within the area.

(References – Notice of Review; Decision Notice and the Report of Handling, submitted.)

5 Request For Review – 58 Malbet Wynd, Edinburgh

Details were provided of a request for review of refusal of planning permission to add a two storey side extension with pitched roof at 58 Malbet Wynd, Edinburgh (Application number 10/02303/FUL).

The plans used to determine the application was reference numbers 01–11 (scheme 1) being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review be undertaken on the basis of assessment of the review documents only.

The Planning Local Review Body had been provided with copies of the notice of review and the decision notice and the report of handling submitted by the Head of Planning.

The Planning Local Review Body heard from their Planning Adviser who summarised the issues raised and presented the plans submitted.

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The LRB having considered these documents and having considered the merits of a site inspection, agreed that it had sufficient information before it and would therefore determine the review using only the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on House Extensions and Alterations and Daylighting , Privacy and Sunlight.
- 3) The procedure used to determine the application.
- 4) The reason for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that no information had been presented which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals.

Decision

To uphold the decision by the Head of Panning to refuse planning permission to add a two storey side extension with pitched roof at 58 Malbet Wynd, Edinburgh (Application number 10/02303/FUL).

Reasons for Refusal

The proposal was contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions and to Non Statutory Guidelines in respect of House Extensions and Alterations, as it would result in a large dominant extension standing forward of the existing properties on the western side of this part of Malbet Wynd, standing as a prominent projection into the public road and representing a severe reduction in the separation distance with the buildings opposite. Cumulatively, the proposal would be detrimental to the character and appearance of this part of Malbet Wynd and to the symmetry and appearance of the existing dwelling house on the site.

(References – Notice of Review; Decision Notice and the Report of Handling, submitted).

6 Request For Review – 36 Rowantree Avenue, Edinburgh

Details were provided of a request for review of refusal of planning permission for Change of use from common open space to garden at 36 Rowantree Avenue, Edinburgh (Application number 10/03001/FUL).

The plans used to determine the application was reference numbers 01(Scheme) being the drawing shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review be undertaken on the basis of assessment of the review documents and a site inspection.

The Planning Local Review Body had been provided with copies of the notice of review and the decision notice and the report of handling submitted by the Head of Planning.

The Planning Local Review Body heard from their Planning Adviser who summarised the issues raised and presented the plans submitted.

The LRB having considered these documents and having considered the merits of a site inspection, agreed that it had sufficient information before it and would therefore determine the review using only the information circulated to it.

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan.
- 2) The procedure used to determine the application.
- 3) The reason for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that no information had been presented which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals.

Decision

To uphold the decision by the Head of Planning to refuse planning permission for Change of use from common open space to garden at 36 Rowantree Avenue, Edinburgh (Application number 10/03001/FUL).

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Reason for Refusal

The proposal is contrary to Rural West Edinburgh Local Plan Policy E51 in respect of open space, as it will result in the loss of an area of open space to the detriment of the amenity of the area.

(References – Planning Local Review Body 29 September 2010 (item 4); Notice of Review; Decision Notice and the Report of Handling, submitted.)

Continued Cases

Chair

At this point in the proceedings Councillor Burgess vacated the Chair and Councillor Thomas was appointed to the Chair.

7 Request For Review – 5 Wolrige Road, Edinburgh

Details were provided of a request for review of refusal of planning permission for the erection of a single storey side extension with hipped roof and formation of side dormer at 5 Wolrige Road, Edinburgh (Application number10/00395/FUL).

The plans used to determine the application were reference numbers 01,03,04A,05A,06,07A,08A,09,10 (Scheme 2) being the drawings shown under this application reference number on the Council's Planning & Building Standards Portal.

This matter was first considered by the City of Edinburgh Planning Local Review Body (LRB) on 17 November 2010. At that meeting the LRB agreed to proceed by way of an unaccompanied site inspection.

The Planning Local Review Body had been provided with copies of the notice of review and the decision notice and the report of handling submitted by the Head of Planning.

The LRB heard from the Planning Adviser who also summarised the issues raised previously, presented the drawings of the development and reminded the LRB of the issues which they had identified on their site visit.

The LRB having considered these documents and having undertaken the unaccompanied site visit agreed that it now had sufficient information before it and would therefore determine the review using only the information circulated to it.

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The LRB in their further deliberations on this matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) Non statutory guidelines relating to Daylighting, Privacy and Sunlight; and, House Extensions and Alterations.
- 3) The procedure used to determine the application.
- 4) The representations received in respect of the Notice of Review.
- 5) The reason for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified, were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission subject to the informatives detailed below.

Decision

The LRB resolved to grant planning permission for erection of single storey side extension with hipped roof and formation of side dormer at 5 Wolrige Road, Edinburgh (Application Number 10/00395/FUL).

Informatives

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- 2) No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- 3) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- 4) The applicant should consider screening the development either by retaining the existing trees on the site or by introducing new planting on the boundary any proposals for this should be submitted to the Head of Planning

(References – Planning Local Review Body 17 November 2010 (item 5); Notice of Review; Decision Notice and the Report of Handling, submitted.)

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Dissent

Councillor Peacock requested that his dissent be recorded in relation to the above decision.

Chair

At this point in the proceedings Councillor Thomas vacated the Chair and Councillor Hinds assumed the Chair.

8 Request For Review –1 Forthview Road, Edinburgh

Details were provided of a request for review of refusal of planning permission to add a first floor extension to dwelling at 1 Forth View Road, Edinburgh (Application Number 10/02336/FUL).

The plans used to determine the application were reference numbers 02-04, 06 (Scheme 3) being the drawings shown under this application reference number on the Council's Planning & Building Standards Portal.

This matter was first considered by the City of Edinburgh Planning Local Review Body (LRB) on 19 January 2011. At that meeting the LRB agreed to proceed by way of an unaccompanied site inspection.

The Planning Local Review Body had been provided with copies of the notice of review and the decision notice and the report of handling submitted by the Head of Planning.

The LRB heard from the Planning Adviser who also summarised the issues raised previously, presented the drawings of the development and reminded the LRB of the issues which they had identified on their site visit.

The LRB having considered these documents and having undertaken the unaccompanied site visit agreed that it now had sufficient information before it and would therefore determine the review using only the information circulated to it.

The LRB in their further deliberations on this matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) Non statutory guidelines relating to Daylighting, Privacy and Sunlight; and, House Extensions and Alterations.
- 3) The procedure used to determine the application.

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- 4) The reason for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified, were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission subject to the conditions detailed below.

Decision

The LRB resolved to grant planning for to add a first floor extension to dwelling at 1 Forth View Road, Edinburgh (Application Number 10/02336/FUL).

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- 2) No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- 3) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

(References – Planning Local Review Body 19 January 2011 (item 9); Notice of Review; Decision Notice and the Report of Handling, submitted.)

9 Request For Review – 8 Hailes Grove, Edinburgh

Details were provided of a request for review of refusal of planning permission for a single car garage at 8 Hailes Grove, Edinburgh (Application Number 10/02280/FUL).

The plans used to determine the application were reference numbers 01-09 (Scheme 1) being the drawings shown under this application reference number on the Council's Planning & Building Standards Portal.

This matter was first considered by the City of Edinburgh Planning Local Review Body (LRB) on 19 January 2011. At that meeting the LRB agreed to continue consideration of the review for the following additional information:-

- 1) The Head of Transport to clarify if his objection was on the grounds of road safety or for another reason.
- 2) Clarification of whether there is sufficient space in the garden to allow the garage to be built 6 metres back from the heel of the kerb.

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The Planning Local Review Body had been provided with copies of the notice of review and the decision notice and the report of handling submitted by the Head of Planning.

The LRB heard from the Planning Adviser who also summarised the issues raised previously, presented the drawings of the development and highlighted the responses received to the LRB'S request for additional information.

The LRB having considered these documents and having agreed that it now had sufficient information before it and would therefore determine the review using only the information circulated to it.

The LRB in their further deliberations on this matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) Non statutory guidelines relating to Movement and Development.
- 3) The additional information submitted.
- 4) The procedure used to determine the application.
- 5) The reason for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified, were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission subject to the conditions detailed below.

Decision

The LRB resolved to grant planning permission for a single car garage at 8 Hailes Grove, Edinburgh (Application Number 10/02280/FUL).

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- 2) No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- 3) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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- 4) Details of the proposed materials shall be submitted to and approved in writing by the Head of Planning prior to the commencement of the development

(References – Planning Local Review Body 19 January 2011 (item 8), Notice of Review; Decision Notice and the Report of Handling, submitted).

10 Request For Review – 20A Merchiston Avenue, Edinburgh

Details were provided of a request for review of refusal of planning permission to form pavement crossing and gated opening in boundary wall to form 'run-in' in existing garden at 20A Merchiston Avenue, Edinburgh (Application Number 10/01399/FUL).

The plans used to determine the application were reference numbers 01(Scheme 1) being the drawing shown under this application reference number on the Council's Planning & Building Standards Portal.

This matter was first considered by the City of Edinburgh Planning Local Review Body (LRB) on 19 January 2011. At that meeting the LRB agreed to proceed by way of an unaccompanied site inspection.

The Planning Local Review Body had been provided with copies of the notice of review and the decision notice and the report of handling submitted by the Head of Planning.

The LRB heard from the Planning Adviser who also summarised the issues raised previously, presented the drawings of the development and reminded the LRB of the issues which they had identified on their site visit.

The LRB having considered these documents and having undertaken the unaccompanied site visit agreed that it now had sufficient information before it and would therefore determine the review using only the information circulated to it.

The LRB in their further deliberations on this matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) Non statutory guidelines relating to Villa Areas and the Grounds of Villas and Parking in Front Gardens.
- 3) The further representations received in respect of the Notice of Review.
- 4) The procedure used to determine the application.
- 5) The reason for refusal.

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The LRB, having taken all the above matters into consideration, was of the opinion that no material considerations had been presented which would lead it to overturn the determination by the Head of Planning. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission.

Decision

To uphold the decision by the Head of Planning to refuse planning permission to form pavement crossing and gated opening in boundary wall to form 'run-in' in existing garden at 20A Merchiston Avenue, Edinburgh (Application Number 10/01399/FUL).

Reason for Refusal

The proposal was contrary to Edinburgh City Local Plan Policy ENV6 (Conservation Areas - New Development) and Non-Statutory Guidelines in respect of Villa Areas and the Grounds of Villas as the proposals would visually detract from the appearance of the property due to the loss of the high stone boundary wall and the erosion of a significant area of garden ground, resulting in a detrimental impact upon the character and appearance of the conservation area.

(References – Planning Local Review Body 19 January 2011 (item 5), Notice of Review; Decision Notice and the Report of Handling, submitted.)

11 Request For Review – 7 Plewlands Gardens, Edinburgh

Details were provided of a request for review of refusal of planning permission to form two dormers to rear and velux windows to the front of 7 Plewlands Gardens, Edinburgh. (Application Number 10/01797/FUL).

The plans used to determine the application were reference numbers 01-02 (Scheme 1) being the drawings shown under this application reference number on the Council's Planning & Building Standards Portal.

This matter was first considered by the City of Edinburgh Planning Local Review Body (LRB) on 19 January 2011. At that meeting the LRB agreed to proceed by way of an unaccompanied site inspection.

The Planning Local Review Body had been provided with copies of the notice of review and the decision notice and the report of handling submitted by the Head of Planning.

The LRB heard from the Planning Adviser who also summarised the issues raised previously, presented the drawings of the development and reminded the LRB of the issues which they had identified on their site visit.

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The LRB having considered these documents and having undertaken the unaccompanied site visit agreed that it now had sufficient information before it and would therefore determine the review using only the information circulated to it.

The LRB in their further deliberations on this matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) Non statutory guidelines relating to Daylighting, Privacy and Sunlight and House Extensions and Alterations;
- 3) The impact on the Character of the Conservation Area.
- 4) The procedure used to determine the application.
- 5) The reason for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified, were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission subject to the conditions detailed below.

Decision

The LRB resolved to grant planning permission to form two dormers to rear and velux windows to the front of 7 Plewlands Gardens, Edinburgh (Application Number 10/01797/FUL).

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- 2) No development shall take place on the site until a Notice of Initiation of Development has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- 3) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- 4) Details of the proposed materials shall be submitted to and approved in writing by the Head of Planning prior to the commencement of the development.

(References – Planning Local Review Body 19 January 2011 (item 7); Notice of Review; Decision Notice and the Report of Handling, submitted.)